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02/20/2004

Timothy M. Corcoran

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08/10/2007

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EXAMINER

SHERR, CRISTINA O

ART UNIT

PAPER NUMBER

3621

MAIL DATE

DELIVERY MODE

08/10/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### DETAILED ACTION

1. This communication is in response to applicant's Response to Requirement for Election/Restriction filed May 21, 2007. Claims 1-10 are currently pending in this case.
2. The reply filed on May 21, 2007 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant has not made an election of species as required but merely indicated a choice of the generic claims. Applicant is courteously reminded that one (1) of the four (4) described must be elected for examination in order for the election to be considered responsive. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).
3. Examiner, therefore, respectfully directs Applicant's attention to the further Requirement for Election of Species in group I and repeats, for Applicant's convenience, the said Requirement here below:
4. Applicant is advised that, in the event of choosing Invention I, said Invention I is further subject to an election of species, as follows.

Claims 1, 5 and 8 are generic to the following disclosed patentably distinct species:

IA. Claim 2, drawn to a Global Cargo Container Information Clearinghouse, system and method of operation thereof, and further comprising a mutual benefit association including commercial entities and government agencies.

IB. Claims 3 and 6, a Global Cargo Container Information Clearinghouse, system and method of operation thereof, and wherein the GCCIC sytem provides products to the users of the GCCIC.

IC. Claims 4 and 9-10, a Global Cargo Container Information Clearinghouse, system and method of operation thereof, and further comprising an incentives program to encourage compliance.

ID. Claim 7, a Global Cargo Container Information Clearinghouse, system and method of operation thereof, and further comprising a GCCIC service provider that provides technical assistance.

5. The species are independent or distinct because each may be implemented separately from the others, thus representing different embodiments.

6. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed. Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

7. Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations

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of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species.

MPEP § 809.02(a).

8. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

9. The election of species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

10. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

11. A telephone call was made to John Harrop, reg. no. 41,817 on or about July 24, 2007 to request an oral election to the above restriction requirement, but did not result in an election being made.

12. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the

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requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina Owen Sherr whose telephone number is 571-272-6711. The examiner can normally be reached on 8:30-5:00 Monday through Friday.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Fischer can be reached on 571-272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Cristina Owen Sherr  
Patent examiner, AU 3621



ANDREW J. FISCHER  
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